

**To:** Matt Francis[m.francis@erllc.com]  
**Cc:** Way, Steven[way.steven@epa.gov]; Will Beach[willbere@rvi.net]; Allen.Sorenson@state.co.us[Allen.Sorenson@state.co.us]; Petri, Elliott[Elliott.Petri@WestonSolutions.com]  
**From:** Mark Levin  
**Sent:** Wed 7/29/2015 9:42:05 PM  
**Subject:** Re: portal modification - status

Hi Matt, I finished early at another site nearby so I will stop over to Red and Bonita and meet with you and Will and get a consensus.

*Mark Levin. P.E.  
MES Mining  
Sent from my cellular phone.*

Matt Francis <m.francis@erllc.com> wrote:

Mark

I spoke with my corporate safety department and they understand the need to prevent head/neck injuries while entering the mine. However, they are very concerned with the thought of creating a greater hazard by removing the ferricrete layer and potentially destabilizing the entrance area. Their suggestion, based on significant experience at OSHA-driven work sites containing numerous overhead hazards ( primarily pipe runs at refineries), is that the workers need to have significant awareness of the hazard through signage, illumination, etc. This includes warnings prior to reaching the low spot so that they are reminded of their approach. Obviously, the warnings should be placed in a locations that the workers would be looking at during normal entry/exit operations. Please bring materials to illuminate/sign the hazard with you for your site visit tomorrow so that Will can install. Additionally, if the biggest risk involves use of the stand-up ramrod, you and Will should discuss completing the remaining tasks with equipment better suited for the conditions.

Also, another safety concern that must be addressed is the work load being expected of Justin now that he is the only laborer. As we all know, underground work is tough and he should get some help as soon as possible. As for the reasons Johnny went MIA, I suggest you talk to Will. I'm confident that the conditions at RnB had nothing to do with it. I really like your crew, including Johnny, and share your disappointment that he left. I've been in similar situations numerous times and understand it puts everyone in a tough spot.

Matt

-----Original Message-----

From: Mark Levin [mailto:mark.levin@minenv.com]

Sent: Wednesday, July 29, 2015 12:37 AM

To: Matt Francis <m.francis@erllc.com>; Way, Steven <way.steven@epa.gov>

Cc: willbere@rvi.net; Allen.Sorenson@state.co.us; Petri, Elliott <Elliott.Petri@WestonSolutions.com>; Way, Steven <way.steven@epa.gov>

Subject: RE: portal modification - status

Gentlemen:

Reading Steve's email, I also do not understand why the plan changed, but there may be facts on the ground that I am not aware of.

I am not onsite to see the current situation, but my recommendation and general philosophy is that if we have an identified hazard, that it be promptly mitigated in a reasonable manner that the involved workers, supervisors and

safety oversight personnel all feel comfortable with, not set aside due to inconvenience or subject to an ineffective "band aid" approach or using methods that add other risks.

If an equipment change to use the JCI-50M instead of the Ramrod has adequately mitigated the low portal brow hazard and all personnel feel OK with the working clearances as regards safety, then I am certainly OK with it.

But, I think that if the Ramrod loader is going to be used again, it should have safe operator clearance, without relying on ducking each time, especially since it is not side seating, but front facing, causing a risk that a person could misjudge when to duck when backing up.

Safety is not the area to make shortcuts in the name of expediency.

If the consensus is that brow IS going to be trimmed, or other changes to make the job safer, then let's "do it right" - whatever that takes. I have no doubt that if necessary to do, the brow can be safely trimmed and re-supported in a manner that does not create any additional hazards - there are various options of means and methods that can be discussed.

Whether inactive mine being closed or a producing mine, safe is safe and not safe is not safe. If someone gets hurt or killed it matters not whether we were there to mine gold or to plug an adit. The physical safety of ALL of the workers and onsite personnel (MES, ER, Weston, EPA, DRMS, etc.) is a heck of a lot more important than the budget or schedule, the water quality, or the public relations aspects of the project.

I plan to be onsite by Thursday afternoon, but if there is a safety concern, corrective action should not wait for me. There are experienced, intelligent people onsite who should be able to address this. If I need to pay Kurt Braun to come back to do a focused examination of the portal brow, I certainly am willing to do so.

Was there any indication from the miner who quit that this portal safety concern was the reason? I will reach out to him tomorrow to ask.

Mark Levin, P.E.  
General Manager  
Office: (303) 567-4174

#### MES MINING

Division of Mining & Environmental Services LLC P.O. Box 1511, Idaho Springs, CO 80452 [www.minenv.com](http://www.minenv.com)

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-----Original Message-----

From: Matt Francis [<mailto:m.francis@erllc.com>]  
Sent: Tuesday, July 28, 2015 7:53 PM  
To: Way, Steven; Mark Levin  
Cc: willbere@rvi.net; Allen.Sorenson@state.co.us; Petri, Elliott  
Subject: RE: portal modification - status

I talked to Will regarding the "quick fix" that was attempted yesterday. My understanding is that creating more headroom by removing the material above the set would have created problems greater than the current headroom issue. Will has installed a sign on the set and I've ordered another one for the other side. I'll get some flashing lights as soon as I can locate.

That's what has happened to date and operations have proceeded. The stand up mucker is broken, so they are using

the sit down LHD that goes under the set without requiring the operator to duck. I'll let Mark address further concerns and any proposed remedies.

Sent via the Samsung Galaxy Note® 3, an AT&T 4G LTE smartphone

----- Original message -----

From: "Way, Steven" <way.steven@epa.gov>

Date: 07/28/2015 5:31 PM (GMT-07:00)

To: Matt Francis <m.francis@erllc.com>, Mark Levin <mark.levin@minenv.com>

Cc: willbere@rvi.net, Allen.Sorenson@state.co.us, "Petri, Elliott" <Elliott.Petri@WestonSolutions.com>

Subject: RE: portal modification - status

Matt and Mark,

Gentlemen, given the email traffic and discussion on this topic, I would appreciate an update on this situation. Specifically, on Friday I approved the change as requested by MES based on the recently expressed concern about clearance under the timber set cap, and I was told by MES that this would be the first action performed on Monday. As of this morning, I am informed that this did not occur.

As to my questioning the need for this modification to the mine portal area, the two concerns that I expressed were 1) creating a hazard, by modifying the ground, that currently does not exist, and 2) impacting the operations if there were to be a problem with the adit roof work. The low headroom clearance hazard can be addressed with appropriate signage and warning lights if needed. This is not a production mine; this is a temporary, short-term action with limitations of an abandoned mine. MES had the engineering inspection to evaluate the ground support conditions in June with an independent professional engineer and the MES superintendent (also an engineer) to evaluate the mine before the work started, and this was not identified as a concern. While I understand that the clearance condition became more apparent after work started, it is not a significant hazard and it can be mitigated with appropriate warning indicators.

If you have any other concern than a low clearance hazard, then I need to know immediately.

As I understand it, MES has now decided to not perform this adjustment to the timber set cap and adit roof. Is this correct? And, have you addressed the safety concern raised by MES regarding this condition?

Please answer these questions and implement the necessary actions on site or explain to me that MES has determined this is not a problem before you continue operations.

Steve

Steven Way  
Federal On-Scene Coordinator  
Emergency Response Unit  
US EPA - Region 8  
1595 Wynkoop Street  
Denver, CO 80202

Office: 303-312-6723

-----Original Message-----

From: Matt Francis [<mailto:m.francis@erllc.com>]

Sent: Friday, July 24, 2015 11:00 AM

To: Way, Steven

Subject: Fwd: portal modification

Fyi

Sent via the Samsung Galaxy Note(r) 3, an AT&T 4G LTE smartphone

----- Original message -----

From: Mark Levin <mark.levin@minenv.com>

Date: 07/24/2015 9:43 AM (GMT-07:00)

To: Will Beach <willbere@rvi.net>

Cc: Matt Francis <m.francis@erllc.com>

Subject: Re: portal modification

As an afterthought, I see that steel would be thinner for the same equivalent strength compared to wood, and thus could reduce amount of roof material to be trimmed. But, time is a factor as well. I'd like to see action to abate safety issue not delayed.

Mark Levin. P.E.  
MES Mining  
Sent from my cellular phone.

Will <willbere@rvi.net> wrote:

Mark:  
If we are going to add sets to the portal we will need back lagging.  
The best material is channel iron.  
Thanks  
Will

On Tue 21/07/15 19:55 , Mark Levin mark.levin@minenv.com sent:

Will, you could either photograph them with your phone and email them or fax or mail them in. Or, give them to me to bring back.

I am surprised that it was necessary for you to buy anything., after the extensive effort to make a list and keep you involved. Can I assume that you now have all necessary supplies except for the grout?

Mark Levin. P.E.  
MES Mining  
Sent from my cellular phone.

Will wrote:

Lorraine&Pat:  
Here is the edition for 21 July  
I have \$239.25 in receipts that I can;t copy That are for company supplies [hardware is not working]

Thanks  
Will

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